



# BAIT DEALER & BAIT COLLECTOR LAW DIGEST

This publication is a summary of the bait dealer and bait collector regulations. Please refer to Ohio Revised Code 1533.40, 1533.632, and Ohio Administrative Code 1501:31-13 -01, -02, -04, -07, -08 and 1501:31-39-01 for all rules and regulations.

## IN ACCORDANCE WITH OHIO REVISED CODE

### (ORC)1533.40:

Each person, firm, partnership, association, or corporation which buys, sells, or deals in minnows, hellgrammites, and crayfish shall obtain an annual permit from the Division of Wildlife and shall operate under such rules and regulations as the Chief of the Division of Wildlife prescribes. The permit fee is forty dollars and permits expire December 31st each year.

## IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE

### (OAC)1501: 31-13-04:

It is unlawful to sell as bait, or use as bait, any fish or aquatic insect not already established in waters of Ohio over which the Wildlife Chief has control. Further, it is unlawful for any person to release any fish or aquatic insect into waters of the state, or waters under control of the Division of Wildlife, from which it did not originate without first obtaining permission from the Wildlife Chief.

## REGULATIONS CONCERNING THE USE OF MINNOW SEINES, MINNOW DIP NETS, FISH TRAPS AND CAST NETS

1) In the *Lake Erie Fishing District*, in *East and West Harbors of Ottawa County*, and also in other waters wherein fishing with nets is licensed by law, it is lawful to use a minnow seine of any length or width, or a minnow dip net not exceeding 72 inches in diameter to take minnows, crayfish, hellgrammites, and other larval aquatic insects, suckers not exceeding ten inches in length, common carp, skipjack herring, smelt, brook silversides, brook sticklebacks, gizzard shad, trout perch, sculpins, darters, top minnows, and mudminnows.

### IT IS UNLAWFUL:

- to have in possession or use a seine or dip net with a square mesh larger than 1/2 inch on a side;
- to have in possession or use a dip net having any side or diameter greater than 72 inches;
- to have in possession or use a seine that does not have straight sides.

2) In the *Inland Fishing District*, it is lawful to use a minnow seine or a minnow dip net to take minnows, crayfish, hellgrammites and other larval aquatic insects, [suckers not exceeding ten inches in length, common carp, skipjack herring, smelt, brook silversides, brook sticklebacks, gizzard shad, trout perch, sculpins, darters, top minnows, and mudminnows].

### IT IS UNLAWFUL:

- to have in possession or use a minnow seine exceeding 96 inches in length or exceeding 48 inches in depth except in such waters wherein fishing with nets is licensed by law, and excepting East and West Harbors in Ottawa County;
- to have in possession or use a seine or dip net with a square mesh larger than 1/2 inch on a side;
- to have in possession or use a dip net having any side greater than 48 inches, except in such waters wherein fishing with nets is licensed by law, and excepting East and West Harbors in Ottawa County;
- to have in possession or use a seine that does not have straight sides;
- to use two or more seines fastened together, the combination of which exceeds 96 inches in width or 48 inches in height;
- to use a minnow seine from 9:00 p.m. to 4:00 a.m. except in East and West Harbors, Ottawa County, and in such waters wherein fishing with nets is licensed by law;
- to seine or take bait in King's Creek between the bridge at County Road 223 and the Mad River in Champaign County;
- to use a seine in any lake, pond, quarry, reservoir, canal, gravel pit or other water area owned or controlled by the ODNR Division of Wildlife.

3) It is lawful to use minnow or bait fish traps.

### IT IS UNLAWFUL:

- to have in possession or use a minnow or bait fish trap which measures more than 24 inches in its greatest overall length, or measures more than 12 inches in its greatest overall width;
- to possess or use a minnow or bait fish trap having an opening larger than one inch in diameter;
- to set, use, or maintain a minnow or bait fish trap unless they have attached thereto a durable waterproof tag bearing the name and mailing address of the user in English letters or the unique Division of Wildlife customer identification number of the user and is legible at all times.

4) It is lawful to use a cast net to take minnows and forage fish. **It is unlawful** to use cast nets within 1000 feet downstream of any dam when posted with signs indicating that use of cast nets is prohibited.

**REGULATIONS CONCERNING THE USE OF BAIT FISH, CRAYFISH, AND LARVAL AQUATIC INSECTS:**

1) Any individual permit holder or company designee may take minnows, crayfish, hellgrammites, and other larval aquatic insects, suckers not exceeding 10 inches in length, common carp, skipjack herring, smelt, brook silversides, brook sticklebacks, gizzard shad, trout-perch, sculpins, darters, topminnows, and mudminnows from any waters in the state of Ohio at any time and in any number except as prohibited by this or other rules of the Ohio Administrative Code. A valid Ohio fishing license is required of any collector.

**IT IS UNLAWFUL:**

- for a permit holder or designated employee, agent or officer of such as person or company to possess minnows, fish, crayfish, hellgrammites and other aquatic insects at any place, except at the address listed on the application for a bait dealer’s permit, without having each receptacle containing fish, crayfish, and hellgrammites marked with the dealer’s name, address, and permit number in letters and numerals at least one-half inch high in the English language;
- for any person to take any fish not mentioned in OAC 1501:31-13-04(A)(1) by the aid or use of a net, trap, or seine;
- for any person except a permit holder or a licensed fishing guide providing bait to their customers to have in possession more than 100 crayfish or 500 in the aggregate of minnows, suckers not exceeding 10 inches in length, common carp, brook silversides, brook sticklebacks, skipjack herring, gizzard shad, trout-perch, sculpins, darters, topminnows, and mudminnows; however, smelt, hellgrammites, other larval aquatic insects, and preserved minnows may be possessed and sold in unlimited numbers except as stated in ORC 1533.57;
- for a permit holder to sell to any person, other than another permit holder, at any time more than 100 crayfish or 500 in the aggregate of minnows, suckers not exceeding 10 inches in length, common carp, brook silversides, brook sticklebacks, skipjack herring, gizzard shad, trout-perch, sculpins, darters, topminnows, and mudminnows; however, smelt, hellgrammites, other larval aquatic insects, and preserved minnows may be possessed and sold in unlimited numbers;
- for a nonresident to collect/take minnows, crayfish, or hellgrammites without first obtaining a nonresident fishing license as prescribed in ORC 1533.32 and 1533.40.

2) Minnows and bait fish raised under an Aquaculture permit in private hatchery ponds, or legally acquired from within the state, may be sold to and possessed by permit holders in unlimited numbers. Such dealers and propagators may sell such minnows and bait fish to other bait dealers and propagators in and out of the state in unlimited numbers (except for item 3 below), provided they make and keep a record of each such sale. Records shall be on file in the place of business and shall be open for inspection at all reasonable hours.

3) Lake Erie emerald shiners (*Notropis atherinoides* Rafinesque) may be taken, sold, or possessed by permit holders in unlimited numbers, and such dealers may sell minnows to other bait dealers in and out of the state in unlimited num-

bers, provided they make and keep a record of each such sale, and provided that no shiners are moved south of the U.S. Route 6/I-90 line of demarcation, due to the VHS virus (see Ohio Dept. of Ag. guidance and OAC 901: 1-17-13 and 1-17-14). Records shall be open for inspection at all reasonable hours.

4) It shall be unlawful for any person to take crayfish and larval aquatic insects by any method, from nine p.m. to the following four a.m., except by trapping, angling or by hand picking. This provision does not apply to east and west harbors in Ottawa County, and such waters where fishing with nets is licensed by law.

5) It shall be unlawful for any permit holder to sell or offer for sale as bait: sunfish (bluegill, longear, green, orange-spotted, pumpkinseed, or redear sunfish) or bullheads (yellow, brown or black bullheads) unless those fish have been legally acquired from a person permitted under ORC 1533.40 or 1533.632 or legally acquired and imported from out-of-state. **Permit holders selling sunfish and/or bullhead must provide a receipt listing:**

- The date and time of sale;
- The number of fish by species;
- The name and address of the seller.
- Customers possessing sunfish, and/or bullheads from this sale must possess a receipt from the seller bearing the same information.

6) It shall be unlawful for any person to possess, buy, sell or offer for sale live skipjack herring within the Lake Erie drainage basin, except as provided for in ORC 1533.632.

7) It shall be unlawful for any person permitted under ORC 1533.40 or 1533.632 to fail to keep accurate daily records of all transactions with other bait dealers and aquaculture operations from inside or outside the state. **Such records shall be for all sales or purchases of minnows, fish, crayfish, hellgrammites and other larval aquatic insects and shall include:**

- The type of animal bought or sold;
- The amount of animals in gallons, numbers or pounds;
- The date of sale or purchase;
- The name and address of the buyer and seller.
- It shall be unlawful to fail to keep these records for a period of less than two years.

**CONTACTS**

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